

BILL ANALYSIS

Senate Research Center
Administration Committee
8-25-91

H.B. 39
2nd Called Session
By: Gibson
As Reported from Senate Committee

BACKGROUND

The Texas Sunset Commission has issued a report on the State Purchasing and General Services Commission. This legislation is based on the recommendations of the Sunset Commission.

PURPOSE

As proposed, H.B. 39 provides for the continuation, functions, and change of name of the State Purchasing and General Services Commission and state acquisition of property and services. Provides penalties and makes an appropriation.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the General Services Commission under this bill.

SECTION BY SECTION ANALYSIS

PART 1. ADMINISTRATION OF GENERAL SERVICES COMMISSION

SECTION 1.01. Amends Section 1.02(1), Article 601b, V.T.C.S., by amending the definition of "commission."

SECTION 1.02. Amends Section 2.01, Article 601b, V.T.C.S., to provide that the General Services Commission(commission) is an agency of the state.

SECTION 1.03. Amends Section 2.02, Article 601b, V.T.C.S., to increase from three to six the number of members of the commission. Requires all members to be representatives of the general public. Requires appointments to the commission to be made on an equal opportunity basis. Prohibits certain persons from serving on the board.

SECTION 1.04. Amends Section 2.03, Article 601b, V.T.C.S., to provide for the terms of commission members.

SECTION 1.05. Amends Section 2.04, Article 601b, V.T.C.S., by amending Subsection (c) and adding Subsection (d), as follows:

(c) Makes a conforming change.

(d) Requires the commission to develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

SECTION 1.06. Amends Article 2, Article 601b, V.T.C.S., by adding Section 2.051, to provide grounds and procedures for removing board members.

SECTION 1.07. Amends Section 2.06, Article 601b, V.T.C.S., by adding Subsections(e) through (k), to set forth policies, procedures, and guidelines relating to the personnel of the department.

SECTION 1.08. Amends Article 2, Article 601b, V.T.C.S., by adding Section 2.061, as follow:

Sec. 2.061. CONFLICT OF INTEREST. Prohibits board members and employees of the department from having certain financial interests. Prohibits certain persons from serving on the board as an employee of the department.

SECTION 1.09. Amends Section 2.07, Article 601b, V.T.C.S., to provide that the commission is subject to the Sunset Act and is abolished September 1, 2003, unless continued in existence as provided by that chapter.

SECTION 1.10. Amends Section 2.08, Article 601b, V.T.C.S., to require the commission to file an annual fiscal report.

SECTION 1.11. Amends Article 2, Article 601, V.T.C.S., by adding Section 2.10, as follows:

Sec. 2.10. PUBLIC INTEREST INFORMATION AND COMPLAINTS. Requires the department to maintain files of complaints, to make available to the public and appropriate state agencies information of public interest, and to prepare and maintain a plan to provide access to the department's programs to the disadvantaged.

PART 2. COMMISSION FUNCTIONS UNDER THE STATE PURCHASING AND GENERAL SERVICES ACT

SECTION 2.01. Amends Section 3.01(c), Article 601b, V.T.C.S. to define "services."

SECTION 2.02. Amends Section 3.022(f), Article 601b, V.T.C.S., to provide criteria the commission is required to consider in determining which proposal is most advantageous to the state.

SECTION 2.03. Amends Sections 3.08(a), (c), (e), and (f), Article 601b, V.T.C.S., as follows:

(a) Increases the limit on the amount state agencies are authorized to pay for supplies, materials, and equipment, from \$500 to \$5,000.

(c) Provides that competitive bidding, whether formal or informal, is not required for a purchase by a state agency if the purchase does not exceed \$1,000, or a greater amount prescribed by rule of the commission.

(e) Prohibits the commission from requiring that unrelated purchases be combined into one purchase order in order to exceed the specified dollar limits.

(f) Requires agencies making purchases under this section, for which competitive bidding is required, to attempt to obtain at least three competitive bids from sources which normally offer for sale the merchandise being purchased, and to comply with Section 3.101 of this article.

SECTION 2.04. Amends Article 3, Article 601b, V.T.C.S., by adding Section 3.012, to require the commission, to the extent possible, to focus its efforts under this article on purchases and contracts that involve relatively large amounts of money.

SECTION 2.05. Amends Article 3, Article 601b, V.T.C.S., by adding Section 3.101, as follows:

Sec. 3.101. BIDDERS LISTS. (a) Provides that this section: applies to all purchases under this article for which competitive bidding or competitive sealed proposals are required; applies to all state agencies that make purchases under this article, including the commission and agencies that make purchases under Section 3.06 of this article; and does not apply to purchases made under Section 3.11 of this article.

(b) Provides for the development of a uniform registration form for application to do business with the commission or with any state agency.

(c) Provides for a bidders list of vendors to be maintained by each state agency. Requires each agency to solicit bids or proposals from all eligible vendors on the list when the agency proposes to make a purchase that will cost more than \$5,000.

(d) Authorizes a state agency to charge applicants a registration fee and to charge registrants an annual renewal fee, in an amount designed to recover the agency's costs in developing and maintaining its bidders list and in soliciting bids or proposals under this section. Requires an agency to set the amounts of the fees by rule.

(e) Requires each state agency to adopt procedures for developing and maintaining its bidders list.

(f) Requires each state agency to establish by rule a vendor classification process under which only vendors that may be able to make a bid or proposal on a particular purchase are solicited under this section.

(g) Authorizes the commission to establish by rule a process by which the requirement for soliciting bids or proposals from eligible vendors on the bidders list may be waived for appropriate state agencies, or appropriate purchases, in circumstances in which the requirement is not warranted. Authorizes the commission to also assist state agencies regarding issues that arise under this section.

SECTION 2.06. Amends Article 3, Article 601b, V.T.C.S., by adding Section 3.102, as follows:

Sec. 3.102. CERTAIN BIDS AND CONTRACTS PROHIBITED. Prohibits a state agency from accepting a bid or award or contract that includes proposed financial participation by a person who received compensation from the agency in the preparation of the specifications or request for proposals on which the bid or contract is based. Authorizes a bidder or contract participant to provide free technical assistance to an agency under this section.

SECTION 2.07. Amends Section 3.11(b), Article 601b, V.T.C.S., to make a technical change in the language.

SECTION 2.08. Amends Section 3.17, Article 601b, V.T.C.S., as follows:

Sec. 3.17. SPECIFICATIONS AND STANDARDS PROGRAM; TEST AND INSPECTION PROGRAM. (a) Creates this subsection from the existing text.

(b) Requires the commission to review existing contracts for recycling waste produced at state buildings to ensure that all services meet contract specifications.

(c) Creates this subsection from the existing text and requires the commission to establish and maintain a program of testing and inspecting to ensure that materials, supplies, services, and equipment meet specifications, and to make contracts for testing. Requires the commission to adopt rules that provide for the inspecting and testing of costly purchases that the commission determines should be inspected and tested. Provides for the removal of a vendor's name from the bidders list.

SECTION 2.09. Amends Article 3, Article 601b, V.T.C.S., by adding Section 3.181, as follows:

Sec. 3.181. STATEWIDE OR REGIONAL SERVICES CONTRACTS; COMMISSION STUDIES. (a) Requires the commission to annually study

selected services to determine whether the state would benefit if the service were provided to appropriate state agencies under a regional or statewide contract.

(b) Provides that the commission is not required to enter into a statewide or regional contract for provision of a service to state agencies if more than five bidders are willing to provide the service to the state under a statewide or regional contract.

SECTION 2.10. Amends Section 3.23, Article 601b, V.T.C.S., as follows:

Sec. 3.23. New title: CONTRACTS WITH DEPARTMENT OF CRIMINAL JUSTICE. Provides that the commission is authorized to make contracts with the Texas Department of Criminal Justice for the purchase of supplies, equipment, services, and materials for use by other state agencies.

SECTION 2.11. Amends Section 3.29, Article 601b, by amending Subsection (a) and adding Subsections (g) and (h), as follows:

(a) Prohibits a state agency from purchasing or leasing a vehicle designed or used primarily for the transportation of persons that has more than 160 SAE net horsepower.

(g) Sets forth criteria under which a vehicle is considered to be capable of using compressed natural gas or other alternative fuels.

(h) Provides conditions under which the commission may extend the date by which a vehicle powered by a traditional gasoline or diesel engine shall be capable of using compressed natural gas or other alternative fuels.

SECTION 2.12. Amends Article 3, Article 601b, V.T.C.S., by adding Section 3.32, as follows:

Sec. 3.32. SAFETY STANDARDS FOR ELECTRICAL ITEMS. Prohibits the commission or another state agency from purchasing an electrical item unless the item meets applicable safety standards of the federal Occupational Safety and Health Administration.

SECTION 2.13. Amends Section 4.12(g), Article 601b, V.T.C.S., to provide for the transfer of all of the duties, functions, positions, responsibilities, inventory, and property assigned to the Capitol Security Police Division of the commission to the Department of Public Safety.

SECTION 2.14. Redesignates Subsection (l), Section 4.15, Article 601b, V.T.C.S., as added by Section 1, Chapter 1244, Acts of the 71st Legislature, Regular Session, 1989, as Subsection (m).

SECTION 2.15. Amends Section 5.01A(a), Article 601b, V.T.C.S., to make conforming changes.

SECTION 2.16. Amends Section 5.12, Article 601b, V.T.C.S., to delete the definition of "commission" and make nonsubstantive changes.

SECTION 2.17. Amends Section 5.13(d), Article 601b, V.T.C.S., to make technical changes in the existing text.

SECTIONS 2.18. Amends Section 5.16, Article 601b, V.T.C.S., to make conforming changes relating to the 10-Year Strategic Plan required to be adopted under this Act.

SECTION 2.19. Amends Section 5.18(b), Article 601b, V.T.C.S., to make a technical change in the language.

SECTION 2.20. Amends Sections 5.19(b) and (c), Article 601b, V.T.C.S., to make technical changes in the existing text.

SECTION 2.21. Amends Section 5.20(c), Article 601b, V.T.C.S., to require the commission to allow bidders at least 30 days after the date that the commission issues the bid documents to respond to an invitation to bid, but the commission is authorized to shorten the period to prevent undue additional costs to a state agency for emergency projects, to prevent or remove a hazard to life or property.

SECTION 2.22. Amends Section 5.22, Article 601b, V.T.C.S., by amending Subsection (b) and by adding Subsection (c), as follows:

(b) Requires the commission to adopt rules that state the criteria used to evaluate the competence and qualifications of private architects/engineers. Requires the commission to develop rules in consultation with the Texas Board of Architectural Examiners and the State Board of Registration for Professional Engineers. Requires the commission to allow each private architect/engineer selected for an interview at least 30 days after the date the commission notifies the architect/engineer to prepare for the interview.

(c) Creates this subsection from the existing text and makes a conforming change.

SECTION 2.23. Amends Section 5.26(b), Article 601b, V.T.C.S., to make a nonsubstantive change.

SECTION 2.24. Amends Section 5.35(a), Article 601b, V.T.C.S., to make a conforming change.

SECTION 2.25. Amends Section 6.01, Article 601d, V.T.C.S., to amend the definition of "space" to include residential space for a Texas Department of Mental Health and Mental Retardation program.

SECTION 2.26. Amends Section 6.05(b), Article 601b, V.T.C.S., as amended by Section 3, Chapter 779, and Section 5, Chapter 1244, Acts of the 71st Legislature, Regular Session, 1989, to make a nonsubstantive change.

SECTION 2.27. Amends Section 6.05(j), Article 601b, V.T.C.S., to make conforming changes.

SECTION 2.28. Amends Section 6.06, Article 601b, V.T.C.S. (Elimination of Barriers to Handicapped Persons in State Buildings), to make a nonsubstantive change.

SECTION 2.29. Amends Section 6.111, Article 601b, V.T.C.S. (Delegation of Authority to Institutions of Higher Education), to make a nonsubstantive change.

SECTION 2.30. Amends Chapter 403, Government Code, by adding Subchapter L, to provide for a state property accounting system.

SECTION 2.31. Amends Section 8.01(a), Article 601b, V.T.C.S., to delete in this section the provision that requires all personal property belonging to the state to be accounted for by the head of the agency that has possession of the property.

SECTION 2.32. Reenacts Section 8.01(b), Article 601b, V.T.C.S., as amended by S.B. 1004, Acts of the 72nd Legislature, Regular Session, 1991.

SECTION 2.33. Amends Section 8.02(b), Article 601b, V.T.C.S., to require all personal property owned by the state to be accounted for by the head of the agency that has possession of the property. Makes nonsubstantive conforming changes.

SECTION 2.34. Amends Section 9.11, Article 601b, V.T.C.S. (Purchase of Legislative Chairs), to authorize an elected officer, an appointed officer, or an executive head of a state agency within the departments of the state government to purchase the chair used by the officer or employee during his or her tenure upon the vacation of an office or the termination of employment. Deletes language regarding chairs on the floor of the legislature.

SECTION 2.35. Amends Article 10, Article 601b, V.T.C.S., by adding Section 10.71, to provide for the use of the telecommunications system by students at state institutions of higher education.

SECTION 2.36. Amends Section 11.01(b), Article 601b, V.T.C.S., to make a conforming change.

SECTION 2.37. Amends Section 11.02, Article 601b, V.T.C.S., to make conforming changes.

SECTION 2.38. Amends Sections 13.03(a)-(d), Article 601b, V.T.C.S., as follows:

(a) Requires the internal auditor of each agency that has an internal auditor to coordinate the activities of the agency's required biennial competitive cost review.

(b) Requires the administrative head of each such agency to submit the agency's inventory of commercial activities and analysis schedule to certain entities, including the Senate Finance Committee and House Appropriations, for review and comment.

(c) Requires each agency to conduct a management study required under this section in accordance with instructions issued by the commission.

(d) Requires the agency to submit the completed study to the commission for approval. Requires the agency to submit its cost estimate to its internal auditor, if it has one, for review before forwarding it to the State Auditor.

SECTION 2.39. Amends Article 13, Article 601b, V.T.C.S., by adding Section 13.031, to provide for the disposition of complaints to the commission by private enterprises concerning state agencies.

SECTION 2.40. Amends Section 13.05, Article 601b, V.T.C.S., to require the commission by rule to issue instructions that govern the conduct of state agency management studies. Requires the commission to establish internal controls when conducting competitive cost reviews. Makes nonsubstantive and conforming changes.

SECTION 2.401. Amends Section 13.07, Article 601b, V.T.C.S., to provide for savings to the commission resulting from the productivity bonus program to be used by the commission for direct services provided to state government.

SECTION 2.402. Amends Section 13.09, Article 601b, V.T.C.S., to add the commission to the list of agencies subject to this article.

SECTION 2.403. Amends Article 13, Article 601b, V.T.C.S., to provide for sunset review of the competitive cost review program.

SECTION 2.41. Amends Section 14.01, Article 601b, V.T.C.S., as follows:

Sec. 14.01. DIVISION. Requires the commission, in the adoption of rules to implement this article, to include rules related to: the structure of travel agency contracts that the commission makes; the procedures the commission uses in requesting and evaluating bids or proposals for travel agency contracts from providers; and the use of negotiated contract rates for travel services by state agencies.

SECTION 2.42. Amends Section 14.02, Article 601b, V.T.C.S., to require the central travel office to assist state agencies in minimizing travel expenses and obtaining the most economical travel arrangements. Requires state agencies to use the services provided by the central travel office. Sets forth guidelines relating to travel by officers and employees of state agencies.

SECTION 2.43. Amends Section 14.04, Article 601b, V.T.C.S., to require fees collected by the travel division to be deposited in the

state treasury unless a different disposition is required under federal law.

SECTION 2.44. Amends Article 3, Article 601b, V.T.C.S., by adding Section 3.202, to require the commission to give preference to energy efficient products.

SECTION 2.45. Amends Article 4, Article 601b, V.T.C.S., by adding Section 4.081, to provide for the naming of public buildings.

SECTION 2.46. Amends Article 11, Article 601b, V.T.C.S., by adding Section 11.06, to authorize the commission to assist state agencies and assess and evaluate their printing activities and to recommend changes designed to achieve increased productivity and cost-effectiveness of the operations. Grants the commission certain specific powers relating to printing activities.

SECTION 2.47. Amends Section 3.25(d), Article 601b, V.T.C.S., to provide for the distribution of printed copies of session law.

SECTION 2.48. Amends Section 405.014, Government Code, to delete language authorizing the secretary of state to sell copies of published state laws at a certain price.

PART 3. SCHOOL BUSES

SECTION 3.01. Amends Section 21.165, Education Code, as follows:

Sec. 21.165. New title: PURCHASE THROUGH GENERAL SERVICES DEPARTMENT. (a) Requires the purchase of motor vehicles (including buses, bus chassis, bus bodies, tires, and tubes) by the General Services Department to be made in compliance with the provisions of this section.

(b) Makes a conforming change and a technical change.

(f) Makes a conforming change.

(g) Requires the board of county school trustees or board of trustees of a school district to pay for the article or articles requisitioned as directed by the General Services Commission.

SECTION 3.011. Amends Section 21.174, Education Code, by adding Subsections (h) and (i), as follows:

(h) Sets forth criteria under which a vehicle is considered to be capable of using compressed natural gas or other alternative fuels.

(i) Sets forth conditions under which the commission may extend the date by which a vehicle powered by traditional gasoline or diesel engine shall be capable of using compressed natural gas or other alternative fuels.

SECTION 3.02. Amends Section 21.180, Education Code (Purchase of Vehicles), by deleting language regarding appropriations of motor vehicles and making a nonsubstantive conforming change.

SECTION 3.03. Amends Sections 21.182(a), (d), and (h), Education Code (Contracts for Use, Acquisition, or Lease of School Buses), to clarify the procedure for the leasing of buses, or a lease-purchase agreement. Provides that the competitive bidding requirements of Section 21.901 apply to each contract in the form of a lease, or a lease with an option to purchase under, this section. Revises language regarding county or district school board contracts.

SECTION 3.04. Amends Section 21.901, Education Code, to require each contract proposed, whenever possible, to be made by any Texas public school board for the lease of one or more school buses, including a lease with an option to purchase, to be submitted to competitive bidding when the contract is valued at \$15,000 or more (rather than \$10,000 as previously). Provides that contracts for

produce and vehicle fuel are not required to be submitted to competitive bidding.

*** NOTE: There is no Section 3.05 or Section 3.06 in HB 39 as engrossed by the house.

SECTION 3.07. Amends Subchapter Z, Chapter 51, Education Code, by adding Section 51.927, to provide for energy conservation measures by institutions of higher education.

PART 4. ARCHITECTURAL BARRIERS

SECTION 4.01. Transfers Article 7, Article 601b, V.T.C.S., to Title 132A, V.T.C.S., redesignates it as Article 9101, V.T.C.S., and amends it, as follows:

Art. 9101. ARCHITECTURAL BARRIERS

Sec. 1. POLICY. Makes a technical change in the language.

Sec. 2. APPLICATION. (a) Transfers the powers and responsibilities in this section to the Texas Department of Licensing and Regulation. Provides that compliance is determined by the department. Requires the department to maintain determination files and requires the files to include certain information.

(c) Makes conforming changes.

(d) Requires the standards and specifications, except as otherwise provided in Subsection (e) of this section, to be adhered to in buildings defined as "public accommodation" by Section 301(7) of the Americans with Disabilities Act of 1990 (P.L. 101-336) which are constructed or substantially renovated, modified, or altered on or after January 1, 1992. Deletes specific language relating to buildings.

(e) Requires the commissioner of licensing and regulation (commissioner) to have the authority to waive or modify accessibility standards and specifications when application of such standards and specifications is considered by the commissioner to be irrelevant to the nature, use, or function of a building or facility covered by this article. Makes conforming and technical changes.

(f) Requires all buildings and facilities covered by this article to provide restroom facilities in conformance with the minimum plumbing facilities standards set forth in Appendix C of the Uniform Plumbing Code.

Sec. 3. SCOPE. Makes a technical change in the language.

Sec. 4. DEFINITIONS. Adds the definitions for "commission," "commissioner," "department," "architect," and "engineer."

Sec. 5. RESPONSIBILITIES FOR ENFORCEMENT. Changes references to the agency that has administrative authority for the program from the commission to the Texas Department of Licensing and Regulation. Authorizes the commissioner to contract with other state agencies, political subdivisions, nonprofit organizations, and private independent contractors to perform the commissioner's review and inspection functions for privately financed buildings that are not leased by the state or a political subdivision, and to terminate those contracts for cause. Requires the department to, from time to time, inform professional organizations and others, including persons with disabilities, architects, engineers, and other building professionals, of this law and its application. Authorizes the department to enter into cooperative agreements to integrate information into publications of other entities.

(b) Requires the commissioner to have all necessary powers to require compliance with the commissioner's rules and regulations. Authorizes administrative penalties to be assessed for violations of the architectural barriers statute.

(c) Makes conforming changes in the existing text. Deletes the authorization of rulemaking.

(d) Requires licensed architects and engineers to submit plans and specifications to the department in compliance with the architectural barriers statute, and sets forth submission requirements. Requires the department to report violations of the architectural barriers statute by licensed engineers and architects to the State Board of Registration of Professional Engineers and the Texas Board of Architectural Examiners.

(e) Specifies inspection requirements for new construction and renovations for compliance with architectural barriers requirements. Deletes the exemption of the University of Texas System from oversight by the architectural barriers program.

Sec. 6. Requires the commission to assess fees for performing its functions.

Sec. 7. (a)-(d) Establishes an advisory committee of building professionals and a majority of disabled persons to review and recommend changes to rules and procedures of the architectural barriers program.

Sec. 8. Provides that all references in law to the former architectural barriers statute, Article 7, Article 601b, V.T.C.S., mean this article.

SECTION 4.02. Amends Section 11(b), Article 249a, V.T.C.S., as amended by S.B. 429, Acts of the 72nd Legislature, Regular Session, 1991, to authorize the board to revoke or suspend a registration certificate for failing to timely provide plans and specifications to the department as required by Article 9101, V.T.C.S.

SECTION 4.03. Amends Section 22(a), Article 3271a, V.T.C.S. (The Texas Engineering Practice Act), as follows:

(a) Requires the State Board of Registration for Professional Engineers to revoke, suspend, or refuse to renew a registration, to reprimand a registrant, to deny an application for registration, or to probate any suspension of any registrant who is determined to be censurable for a failure to timely provide plans and specifications to the Texas Department of Licensing and Regulation as required by Article 9101, V.T.C.S., in addition to the enumerated reasons in the existing text.

PART 5. OTHER MATTERS RELATING TO STATE ACQUISITION AND USE OF PROPERTY AND SERVICES

SECTION 5.01. Amends Section 497.027(a), Government Code, to provide for purchases by state agencies of items or services not included in an established contract.

SECTION 5.02. Amends Section 9, Article 601d, V.T.C.S. (Texas Public Finance Authority Act), as follows:

Sec. 9. ISSUANCE OF BONDS.

(b) Requires the board of directors of the authority (board), when the acquisition or construction of a building has been authorized in accordance with this Act under Section 5.34, Article 601b, V.T.C.S., to promptly issue and sell bonds in the name of the authority under this Act to finance the acquisition or construction of the building.

SECTION 5.03. Amends Section 27, Article 601d, V.T.C.S., as amended by Chapters 786 and 1042, Acts of the 71st Legislature, Regular Session, 1989, as follows:

Sec. 27. PURCHASE AND RENOVATION OF TEXAS EMPLOYMENT COMMISSION PROPERTY. (a) Requires the commission to purchase the buildings and parking facilities in or near the Capitol Complex, at a sales price that shall not exceed the maximum amount of funds authorized for the acquisition and renovation in Chapter 700, Acts of the 68th Legislature, Regular Session, 1983. Deletes language regarding an agreement between the Texas Employment Commission and the commission.

(b) Deletes language regarding the purchase of the office buildings and parking facilities. Makes a clarifying change. Deletes language authorizing the commission to take possession of the office buildings and parking facilities in or near the Capitol Complex occupied by the TEC.

SECTION 5.04. Amends Chapter 51Z, Education Code, by adding Section 51.928, to provide for written contracts or agreements between certain institutions of higher education.

SECTION 5.05. Amends Chapter 12E, Health and Safety Code, by adding Section 12.053, as follows:

Sec. 12.053. INVENTORY REQUIREMENTS. Provides that all equipment and supplies that are purchased under certain conditions that are to be used to promote and maintain public health are exempt from the statewide personal property accounting system administered by the comptroller described in Chapter 403L, Government Code.

SECTION 5.06. Amends Section 481.027, Government Code, by amending Subsections (a) and (b) and adding Subsections (e) and (f), as follows:

(a) Provides that Chapter 771 does not apply to interagency contracts between "State of Texas" offices entered into under this subsection. Requires any purchase for local procurement or contract in excess of \$5,000 to be approved by the executive director prior to its execution.

(b) Makes a conforming change.

(e) Provides that only Articles 8 and 9, Article 601b, V.T.C.S., apply to the operation and maintenance of the offices in foreign countries.

(f) Authorizes the commission, at the request of a state agency, to provide to the agency services exempted from the application of Article 601b, V.T.C.S., under Subsection (e). Provides requirements for the commission.

SECTION 5.061. Amends Section 497.026(b), Government Code, as renumbered and amended by Chapter 16, Acts of the 72nd Legislature, Regular Session, 1991, to provide that the institutional division of the Texas Department of Criminal Justice determines whether the division is unable to fill a requisition for an article or product.

SECTION 5.062. Amends Section 497.027, Government Code, as renumbered by Chapter 16, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides for the purchase of items not included in an established contract.

(c) Authorizes an agency or political subdivision purchasing goods under this subchapter to purchase goods or articles from the division without complying with any other state law otherwise requiring the agency or political subdivision to request competitive bids for the article or product.

SECTION 5.07. Amends Article 6252-11c, V.T.C.S., to provide for the provision of consulting services to state agencies.

SECTION 5.08. Amends Section 3.024, Article 601b, V.T.C.S., by amending Subsections (a), (b), and (d), to include the Department of Information Resources in the provisions of this section relating to contracts made for the purchase or lease of telecommunications and other information resources.

SECTION 5.09. Amends Section 5.34, Article 601b, V.T.C.S. to make a conforming change.

SECTION 5.10. Amends Section 5.35, Article 601b, V.T.C.S., to make a conforming change.

SECTION 5.11. Amends Section 6.05(d), Article 601b, V.T.C.S., to make a conforming change.

PART 6. REPEALER

SECTIONS 8.01. (a) Repealer: Section 3.27, Article 601b, V.T.C.S.

Section 6.051(b), Article 601b, V.T.C.S.

Article 99, Article 601b, V.T.C.S.

Article 8, Article 601b, V.T.C.S.

Section 14.05, Article 601b, V.T.C.S.

PART 7. TRANSITIONAL MATTERS

SECTIONS 7.01-7.08. Sets forth instructions and provisions concerning various transitional matters.

PART 8. EFFECTIVE DATE; EMERGENCY CLAUSE

SECTION 8.01. Effective date: September 1, 1991.

SECTION 8.02. Emergency clause.